

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Document #

8

USCA NO. \_\_\_\_\_

SDNY NO. 07-cv-5767

JUDGE: K M W

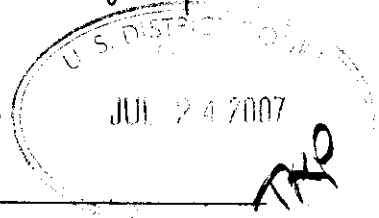
DATE: July 24, 2007

Davila, et al

-v-

Berrios, et al

INDEX TO THE RECORD ON APPEAL



PREPARED BY (NAME) THOMAS PISARCZYK  
FIRM APPEALS SECTION  
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DISTRICT COURT DOCKET ENTRIES -----

DOCUMENTS

DOC#

Clerk's Certificate

See Attached List of Numbered Documents

(☒) Original Record

(☐) Supplemental Record

The record in the above entitled case was indexed to the U.S.C.A.  
for the Second Circuit on the 24th Day of July, 2007.

**United States District Court for  
the Southern District of New York**

Date: July 24, 2007

U.S.C.A. # \_\_\_\_\_

U.S.D.C. # 07cv5767

D.C. JUDGE KMW

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Davila, et al

-v-

Benios, et al  
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**Clerk's Certificate**

I, J. Michael McMahon, Clerk of the Court of the United States District Court for the Southern District of New York, do hereby certify that the certified copy of the docket entries and the original filed papers numbered 1 Through 7, inclusive, constitutes the Original record on appeal in the above entitled proceedings except for the following missing documents:

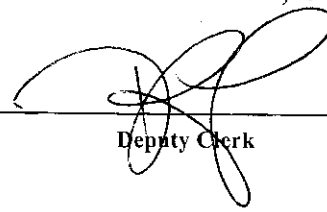
**Date Filed**

**Document Description**


In Testimony Whereof, I have caused the seal of said Court to be hereunto affixed, at the City of New York, this 24th Day of July In this year of our Lord, Two Thousand and Seven, and the Independence of the United States this 232<sup>ND</sup> year.

**J. Michael McMahon, Clerk**

By \_\_\_\_\_

  
Deputy Clerk

APPEAL, CLOSED

**U.S. District Court**  
**United States District Court for the Southern District of New York (Foley Square)**  
**CIVIL DOCKET FOR CASE #: 1:07-cv-05767-KMW**  
**Internal Use Only**

Davila et al v. Berrios et al  
Assigned to: Judge Kimba M. Wood  
Demand: \$9,999,000  
Cause: 42:1983 Civil Rights Act

Date Filed: 06/18/2007  
Date Terminated: 06/18/2007  
Jury Demand: Plaintiff  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

Date Filed	#	Docket Text
06/18/2007	1	DECLARATION IN SUPPORT OF REQUEST TO PROCEED IN FORMA PAUPERIS. Document filed by Rafael Davila, Isabel Davila, Jesus Berrios.(jpo) (Entered: 06/27/2007)
06/18/2007	2	COMPLAINT against David A. Hansell, Verna Eggleston. Document filed by Rafael Davila, Isabel Davila, Jesus Berrios.(jpo) (Entered: 06/27/2007)
06/18/2007	3	Application for the Court to request Counsel. Document filed by Rafael Davila, Isabel Davila, Jesus Berrios.(mbe) (Entered: 07/02/2007)
06/18/2007	4	MEMORANDUM OF LAW in Support of motion for Summary Judgement and Motion for Temporary, Preliminary and Permanent Injunction. Document filed by Rafael Davila, Isabel Davila, Jesus Berrios. (mbe) (Entered: 07/02/2007)
06/18/2007		Magistrate Judge Debra C. Freeman is so designated. (mbe) (Entered: 07/02/2007)
06/18/2007	5	ORDER OF DISMISSAL Accordingly, Plaintiffs' action is dismissed without prejudice as their claims "lack an arguable basis either in law or in fact". 490 U.S.C. 319, 325 (1989). In addition, the Order to Show Cause, Plaintiffs' Motion, and Plaintiffs' respective Applications For the Court to Request Counsel are all denied as moot. We certify pursuant to 28 U.S.C. 1915(a)(3) that any appeal from this order would not be taken in good faith. (Signed by Judge Kimba M. Wood on 6/18/2007) (mbe) (Entered: 07/02/2007)
06/18/2007	6	JUDGMENT. Ordered, Adjudged and Decreed: That this action is hereby dismissed without prejudice. The Court certifies pursuant to 28 U.S.C. 1915(a)(3) that any appeal from the Court's order will not be taken in good faith. (Signed by Judge Kimba M. Wood on 6/18/2007) (mbe) (Entered: 07/02/2007)
07/16/2007	7	NOTICE OF APPEAL from [6] Judgment - Sua Sponte (Complaint). Document filed by Rafael Davila, Isabel Davila, Jesus Berrios. (tp) (Entered: 07/23/2007)
07/16/2007		Appeal Remark as to [7] Notice of Appeal filed by Isabel Davila, Rafael Davila, Jesus Berrios. \$455.00 APPEAL FEE DUE. IFP REVOKED 6/18/07. (tp) (Entered: 07/23/2007)
07/23/2007		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: [7] Notice of Appeal. (tp) (Entered: 07/23/2007)
07/23/2007		Transmission of Notice of Appeal to the District Judge re: [7] Notice of Appeal. (tp) (Entered: 07/23/2007)